IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

APPEAL NO. 615 OF 2006
IN
NOTICE OF MOTION NO. 703 OF 2005
IN
SUIT NO. 3181 OF 1992

Bimla Singh Ramlakhan Singh .. Appellant.

V/s.

Smt.Ramrati Kamala Singh & Ors. .. Respondents.

Mr.J.Reis i/by Mr.R.S.Upadhyay for the Appellant.

CORAM : R.M.LODHA & S.A.BOBDE,JJ.

DATED : 08th SEPTEMBER, 2006.

P.C.:

. Heard Mr.J.Reis, the counsel for the Appellant.

2. We perused the impugned order dated 26th April,2006. It is not in dispute that the sale deed of the property is in the name of the original defendant No.1. It is also not in dispute that the said sale deed was registered in the year 1970. The learned motion Judge held that it appeared from the material on record that the joint business carried out by the brothers, did not have enough money to purchase the property.

3. For the reasons stated in the impugned order, we are satisfied that the consideration of the matter by the learned motion Judge does not suffer from any error of fact or law, warranting interference of this court in appeal.

4. Appeal is dismissed in limine.

(R.M.LODHA,J.)

(S.A.BOBDE,J.)

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